

## **National Indian Program Accomplishments EPA New England Report for 2006**

### **Program Accomplishments by Goal**

- i. (Goal descriptions - by AIEO)
- ii. HQ level
- iii. Regional Level, Goal Specific Tribal and Regional Accomplishments

### **R1 Goal 1 – Clean Air**

Air quality, both ambient and indoor, is a significant concern for New England tribes and state and federal environmental agencies. Many of the individual tribes conduct sophisticated air monitoring programs, and many of these are done in cooperation with the state agencies. Of special interest is the real-time air monitoring site located at the headquarters of the Aroostook Band of Micmacs in Presque Isle, Maine. The Micmac site is one of the northernmost monitoring sites in the country, and the continuous nature of the program, and its real-time availability on the tribe's website, are examples of forward thinking performance. The local TV station in Presque Isle, Maine, uses the tribal site as part of their regular weather broadcasts. Further south, the Wampanoag Tribe of Aquinnah on Martha's Vineyard is one of the easternmost sites in the country, and frequently records exceedances of ozone as a result of ozone transport from major metropolitan areas to the west and south. The Wampanoag also monitor shellfish and invertebrates for contamination resulting from air deposition under a Direct Implementation Cooperative Tribal Agreement (DITCA), and do fish tissue testing for mercury under a separate air grant. Many tribes are also moving to implement indoor air programs, dealing primarily with radon, lead and mold.

On the technical side, the New England tribes manage a monitoring program which includes 4 ozone monitors, 1 continuous PM2.5 monitor, 1 SO2 trace level monitor, 1 NO2 trace level monitor, 1 CO trace level monitor, 1 CO2 monitor, 3 IMPROVE monitors, 2 NADP samplers and 1 MDN (mercury) monitor and 1 hazecam. The ozone data from all 4 sites and the PM2.5 continuous data are all being submitted to AIRNOW. Only data from 2 ozone sites are being entered into AQS. The Region is working on this issue with the tribes and the State of Maine and expects to have the 2006 data from the missing sites entered in AQS this fall or early winter. The IMPROVE data is being entered into the National IMPROVE database and the NADP and MDN data is being entered into these national databases. The air group in Region 1 has provided AQS training to the Passamaquoddy, the Micmacs and the Penobscots and has also conducted air monitoring reviews on the Penobscot, Micmacs and the Wampanoag Tribes. The Region arranges an annual one day meeting among the Maine Tribes, Maine DEP, and the Region to discuss data gaps in the air monitoring program and to improve cooperation among the group.

By working with the states and tribes, the Region has ensured that the tribal monitoring is an integral part of the New England air monitoring networks and included tribal monitoring as part of the Regional Air Monitoring Network reassessment, which was submitted to OAQPS in 2004. In the redesign of the Regional Air Monitoring Program, the tribal monitoring will play an important role in filling gaps in our mapping efforts, providing regional haze and deposition data, providing important ozone data and saving state resources by replacing state monitors in remote areas. To minimize costs, the Region has been working with the New England States to provide equipment, quality assurance audits, and on-site technical assistance and training to the tribes.

## **Eligibility Determinations and Tribal Implementation Plans**

In the spring of 2005, EPA New England received two requests from tribes in the region for eligibility determinations.

### *Mohegan Tribe of Indians of Connecticut - Eligibility Determination and Tribal Implementation Plan*

On May 4, 2005, the Region received a formal request for both an Eligibility Determination and a Clean Air Act (CAA) program approval from the Mohegan Tribe of Indians of Connecticut in the form of a Tribal Implementation Plan (TIP). On August 31, 2005, the Region provided the State of Connecticut with an opportunity to comment on the Tribe's jurisdictional assertion. After working over the last several months to resolve outstanding jurisdictional issues, the State and the tribe have reached agreement. Following a "significance" review by EPA's Office of General Counsel (OGC), a final eligibility determination can be made. The TIP will be acted upon once the eligibility determination is complete.

### *Mashantucket Pequot Tribal Nation - Eligibility Determination*

The Region is currently working on a request received on May 4, 2005 from the Mashantucket Pequot Tribe for a determination of its eligibility to administer a TIP under the Clean Air Act (CAA).

## **R1 Goal 2 - Clean Water**

Water Quality Standards are an issue of importance for the tribes in New England. Discussions around this issue formed the centerpiece of the 8<sup>th</sup> Annual Tribal/EPA Training Conference held at Indian Island (Penobscot Nation) in Maine in December 2006.

Most of the tribes in New England are either riverine or coastal; all of them depend on clean water for sustenance as well as important traditional practices. Indian settlement acts have been a jurisdictional barrier to the tribes establishing Water Quality Standards (WQS), and the relatively small size of most of the tribal lands mean that the majority of discharges, both point and non-point source (NPS), are from off-reservation activities. There is important cooperation between Tribes and state agencies at the staff level, and tribal monitoring programs fill important gaps in the state programs. Six of the nine federally recognized tribes in N.E. have TAS for Clean Water Act, Section 106 programs.

In Office of Water's "Measure N" reporting initiative, New England tribes account for more than 160 sites routinely monitored for seven key parameters: dissolved oxygen, pH, water temperature, total nitrogen, total phosphorus, pathogen indicators, and turbidity. Fourteen of those sites show depressed water quality and have remedial action underway. Based on those activities, at least four sites will show improvement by 2012.

In the state of Maine, the state recently adopted new WQS, and the Region conducted a consultation with the Maine tribes. While the state had made its limits for fish consumption more protective by a factor of five, tribes were disappointed because the state refused to recognize the EPA default Sustenance Fishers guidelines. Tribes feel that the consumption of fish by tribal members is already significantly depressed as a result of fish advisories, and their traditional patterns of fish consumption would be better protected by the adoption of the default standard, at least for tribal lands.

## **R1 Goal 3 - Land Preservation & Restoration**

Tribal lands in New England are generally pristine, and not in need of restorative work. However, there are two issues that fall under this goal. On a few of the tribal lands, refuse and

disposed vehicles have been dumped. All of the tribes have ordinances prohibiting such dumping, but few are equipped to enforce them. The tribal lands are rural and to police the back roads and woodlands would require wardens the tribes cannot afford. This has led to repeated dumping at sites that have been previously cleaned up. Still, the region is working with tribes to shore up tribal prevention and enforcement. In one such area, the Wampanoag Tribe has the significant additional burden of huge cost to remove abandoned vehicles, since everything that goes on or off the island, where tribal lands are located, must go by boat.

Another situation is faced by the Aroostook Band of Micmacs in northern Maine. The tribe received a grant of land from Department of Defense, during the closure of Loring Air Force base. It turned out that the housing on the site, which the tribe needed, was heavily contaminated by lead and asbestos. So far, the DOD has refused to accept any responsibility for remediation of the housing because, they said, the housing was deemed uninhabitable and the tribe should have dismantled it.

#### ***R1 Goal 4 – Healthy Communities and Ecosystems***

Tribes in New England have many activities relating to healthy communities and ecosystems. Following the lead of the Passamaquoddy Tribe at Indian Township, several tribes have implemented “Head of Household” conferences which originated to discuss lead and asbestos, but since have expanded to cover a variety of community health issues including pesticides, mold, radon, and increased exposure to toxic substances occasioned by the more “nature intensive” lifeways.

Air and water monitoring by the tribes, along with fish tissue testing, has revealed that lakes, rivers and streams in New England contain fish with high mercury content. While the goal would be to reduce the amount of mercury in the environment, a significant fraction of the mercury deposited in New England may come from foreign sources. Model estimated contributions of different sources to atmospheric deposition suggest that up to 80% of mercury deposited in New England waterways comes from sources outside the United States, with another 15% estimated to be coming from power plants and other industrial sources in upwind U.S. states. Once deposited in ecosystems, this mercury can be converted by microorganisms into a more toxic form that accumulates in fish and wildlife. Thus, deposition can lead to the consumption of mercury contaminated fish, and metals content (especially cadmium) in the liver of some game animals (principally moose and deer). A broad lifeways study of the impacts of contaminated food sources and crafts materials is being undertaken by the Aroostook Band of Micmacs under a DITCA involving the cooperation of all the Maine tribes. The moose and deer liver study was conducted by Passamaquoddy Indian Township. These issues present significant cultural challenges, since the tribal culture has been involved with these animal and fish species since time immemorial. While health officials advise that it may be healthier to eat fish and seafood than not (because of the low fat and high alpha 3-omega fatty acids), Indian people typically consume more fish and wild game than other populations in the same area. To suddenly be told that some of the animals are not safe to consume is forces a choice between personal health and important cultural practices, representing a clear threat to the tribes’ cultural identities.

#### ***R1 Goal 5 – Compliance and Environmental Stewardship***

As it has for thousands of years, environmental stewardship ranks high on the priority list for New England Tribes. Here’s a good example: the Houlton Band of Maliseets Indians (HBMI) resides at the downstream end of the Meduxnekeag River in northern Maine. After ten years of environmental capacity building via the General Assistance Program authority, the Band

successfully competed for one of twenty Watershed Initiative grants awarded in 2003 in the amount of \$700,000. The grant is now in the third year of a five-year project period. The grant proposal addresses water quality impairments identified by the Band in tribal waters (and in the entire Meduxnekeag watershed), including high levels of nutrient, sediment and bacterial contamination resulting from upstream agricultural activities and an illicit sewer connection on a municipal storm drain.

The grant award itself is a measure of the success the tribe has achieved in partnership building, grants management and administration, and the characterization and quantification of its water quality impairments. To date, as a result of grant activities, two different approaches have been implemented:

- 1) bacterial levels in the targeted upstream storm drain have declined from an average of 16,000 to a approximately 350 colonies per milliliter (the illicit sewer connection was located and removed); and
- 2) In 2006, fifteen farmers have applied winter cover (in the form of mulch or cover crops) on 3900 acres of potato fields, keeping approx. 1200 tons of farm soil out of the Meduxnekeag River. As a measure of improvement, 1719 acres and 516 tons of farm soil were protected in 2005.

Over a number of years, the Tribe has cultivated project partners including the local conservation district, which manages the project, the University of Maine Cooperative Extension, which spearheads the outreach and education effort, the Natural Resources Conservation Service, providing technical assistance, and the Maine Dept of Environmental Protection, who along with HBMI, cosponsored the original grant submittal to EPA. As a measure of partnership strength, during the project development, project partners requested that HBMI write, submit and administer the Watershed Initiative Grant.

### **Compliance assurance**

Five grants totalling \$76,822 were awarded to four New England tribes in Maine and Massachusetts by R1's Office of Environmental Stewardship. The funds were provided to the tribes to assist their capacity building efforts to implement and enforce tribal environmental compliance and assurance programs in Indian Country directly related to the National Tribal Compliance Assurance Priority (Tribal Priority).

One facinating example: \$13,822 Wampanoag Tribe of Gay Head - *Crossing the Language Barrier: Protecting our Island through the Island Blue Pages*

The Island Blue Pages is a booklet which provides assistance and insight to environmental issues on Martha's Vineyard. This booklet contains easy to understand concepts with common language to address issues which impact the existence of the Island natural habitat. Recycling, hazardous waste disposal, water conservation and best management practices are outlined. The English language version of this booklet has been mailed to each of the 24,340 homes on Martha's Vineyard and is already used by educators, conservation commissions and rental agencies to promote safe practices and a sustainable Island future. However, over the last ten years the number of Brazilian residents has grown significantly. Many of these residents are involved with occupations and small businesses that have a direct impact on the Island environment. This stakeholder audience was not captured in the initial distribution of the Island Blue Pages. The Wampanoag Tribe will use the funds from this grant to have this booklet translated and reprinted in Portuguese, and will then present and circulate the Island Blue Pages to the Brazilian community living and working on Martha's Vineyard Island to raise awareness of the sustainable measures they can take to protect the ecosystem.